

THE HONORABLE RONALD B. LEIGHTON

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WASHINGTON

THOMAS McCARTHY, PHAN NGUYEN,	)	NO. C09 5120
ELIZABETH RIVERA GOLDSTEIN,	)	
	)	STIPULATION AND <del>PROPOSED</del>
Plaintiffs,	)	ORDER FOR AMENDED COMPLAINT
	)	
v.	)	
	)	
JAMES BARRETT, individually and in his	)	
capacity as a SERGEANT of the TACOMA	)	
POLICE DEPARTMENT; PAUL	)	
JAGODINSKI, individually and in his Official	)	
Capacity as a SERGEANT of the TACOMA	)	
POLICE DEPARTMENT; ALAN ROBERTS,	)	
individually and in his Official Capacity as a	)	
LIEUTENANT of the TACOMA POLICE	)	
DEPARTMENT; CITY OF TACOMA (TPD);	)	
TODD KITSELMAN, individually and in his	)	
Official Capacity as a SERGEANT of the	)	
TACOMA POLICE DEPARTMENT; KEVIN	)	
LORBERAU, individually and in his Official	)	
Capacity as an OFFICER of the TACOMA	)	
POLICE DEPARTMENT; KARL HOCH,	)	
individually and in his Official Capacity as an	)	
OFFICER of the TACOMA POLICE	)	
DEPARTMENT; HANNAH HEILMAN,	)	
individually and in her Official Capacity as an	)	
OFFICER of the TACOMA POLICE	)	
DEPARTMENT; PPO H. BETTS, individually	)	
and in his Official Capacity as a PPO of the	)	
TACOMA POLICE DEPARTMENT; PPO W.	)	
GRANLUND, individually and in his Official	)	
Capacity as a PPO of the TACOMA POLICE	)	
DEPARTMENT; PPO I. NORLING,	)	
individually and in his Official Capacity as a	)	

1 PPO of the TACOMA POLICE )  
 2 DEPARTMENT; ALAN MORRIS, )  
 3 individually and in his Official Capacity as a )  
 4 SERGEANT of the TACOMA POLICE )  
 5 DEPARTMENT; B. PARIS, individually and )  
 6 in his Official Capacity as a SERGEANT of )  
 7 the TACOMA POLICE DEPARTMENT; )  
 8 DONALD NELSON, individually and in his )  
 9 Official Capacity as an OFFICER of the )  
 10 TACOMA POLICE DEPARTMENT; )  
 11 THOMAS STRICKLAND, individually and in )  
 12 his Official Capacity as a CAPTAIN of the )  
 13 TACOMA POLICE DEPARTMENT; MARK )  
 14 LANGFORD, individually and in his Official )  
 15 Capacity as a CAPTAIN of the TACOMA )  
 16 POLICE DEPARTMENT; MICHAEL )  
 17 MILLER, individually and in his Official )  
 18 Capacity as a CAPTAIN of the TACOMA )  
 19 POLICE DEPARTMENT; ROBERT )  
 20 SHEEHAN, individually and in his Official )  
 21 Capacity as an ASSISTANT CHIEF of the )  
 22 TACOMA POLICE DEPARTMENT; )  
 23 DONALD RAMSDELL, individually and in )  
 24 his Official Capacity as the CHIEF of the )  
 25 TACOMA POLICE DEPARTMENT; DOES )  
 26 1-250, )  
 Defendants. )

17 The parties hereby stipulate that Plaintiffs may file an Amended Complaint in the form  
 18 attached.

19 The parties agree and stipulate that the Defendants are preserving any and all defenses to  
 20 claims asserted in the Amended Complaint, including applicable statutes of limitation and  
 21 non-compliance with RCW 4.96 (either because some Plaintiffs did not file claims or did not  
 22 wait 60 days before commencing litigation). Defendants reserve their right to assert that  
 23 allowance of the amended pleading does not relate back for any of the claims by new Plaintiffs  
 24 Coakley, Edelbacher and Bevis. The Defendants also preserve the argument that the federal  
 25  
 26

1 declaratory judgment statute does not extend to declarations of the scope, meaning and  
2 application of the Washington State Constitution.

3 DATED this 21st day of September, 2009.

4 DORSEY & WHITNEY LLP

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26 *Attorneys for Plaintiffs*

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*Attorney for Defendant City of Tacoma*

**ORDER**

By virtue of the Stipulations made by the parties herein, it is hereby ordered that Plaintiffs  
are granted leave to file the Amended Complaint in the form attached as Exhibit A to <sup>the</sup> ~~this~~  
Stipulation (Det. # 17) <sup>B3L</sup>

BY THE COURT:



Ronald B. Leighton  
United States District Court Judge

9-22-09